

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America,

Plaintiff,

v.

GARY MICHAEL FEITEN

Case: 2:15-mj-30146

Judge: Unassigned,

Filed: 03-24-2015 At 10:30 AM

IN RE: SEALED MATTER (MAW)

Defendant(s).

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about the date(s) of February 15, 2015, in the county of Wayne
in the Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. Section 2252A(a)(5)(B)

18 U.S.C. Section 2252A(a)(1)

Offense Description

Possession of Child Pornography

Transportation of Child Pornography in Interstate Commerce

This criminal complaint is based on these facts:

See attached affidavit

☐ Continued on the attached sheet.


Complainant's signature

Jay V. Ratermann, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: MAR 24 2015


Judge's signature

City and state: Detroit, Michigan

U.S. Magistrate Judge ELIZABETH A. STAFFORD
UNITED STATES MAGISTRATE JUDGE

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Jay V. Ratermann, being first duly sworn, state as follows:

1. I am currently employed as a Special Agent for the United States Department of Homeland Security (DHS), ICE Homeland Security Investigations (HSI) at the Detroit Metropolitan Airport in Romulus, Michigan. I have been employed as a Special Agent since August 9, 2001, when I began my career as a Special Agent with the United States Customs Service, Office of Investigations, in Detroit, Michigan. During the course of my career, I have received extensive training in the methods used by alien smugglers, drug traffickers, money laundering organizations, and child exploitation offenders. I have participated in numerous arrests for various violations of law; as well as numerous seizures of narcotics and other contraband; and seizures of currency, monetary instruments, computer equipment, and business and financial records. I have interviewed multiple subjects who possessed, distributed, manufactured, and received child pornography images. Along with other agents, I am responsible for enforcing federal criminal statutes involving the sexual exploitation

of children pursuant to Title 18, United States Code, Sections 2251 and 2252A.

2. This affidavit is made in of a criminal complaint for GARY MICHAEL FEITEN, date of birth XX/XX/1967, Social Security Number XXX-XX-9525, for violations of 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(a)(1), which make it a crime to possess and transport child pornography in interstate or foreign commerce.
3. This affidavit is being submitted for the limited purpose of securing the warrant listed; therefore, this affidavit does not contain every fact that I have learned during the course of the investigation. I have set forth only those facts necessary to establish probable cause to believe that GARY MICHAEL FEITEN has violated Title 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(a)(1). The information contained in this affidavit is based upon my personal knowledge, training and experience, as well as the combined training and experience of other law enforcement officers and agents with whom I have had discussions.
4. Pursuant to the provisions of Title 18, United States Code, sections 2251 and 2252A, it is a federal crime for any person to knowingly manufacture, possess, receive or distribute child pornography that

has been mailed, shipped or transported in interstate or foreign commerce, or which contains materials which have been mailed, or has been shipped or transported, by any means including a computer, or to knowingly reproduce any visual depiction for distribution in interstate or foreign commerce by any means including a computer or through the mail. Pursuant to the provisions of Title 18, United States Code, section 2256, "child pornography," as used in this affidavit, means any visual depiction, including any photograph, film, video, picture, or computer or computer generated image or picture of sexually explicit conduct where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct.

Probable Cause

5. On February 15, 2015, United States citizen Gary Michael FEITEN entered the United States at Detroit Metropolitan Airport, Romulus MI. FEITEN was arriving from Cancun, Mexico, via Delta Air Lines Flight No. 714. During inspection by U.S. Customs and Border Protection (CBP) officers, an image of alleged child erotica was found on a

laptop in FEITEN'S possession. CBP notified HSI agents, who responded.

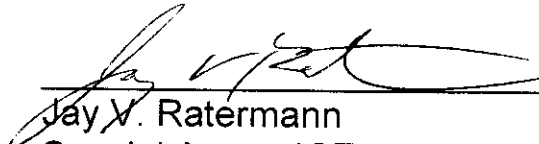
6. HSI agents viewed the image in question, and determined it to be child erotica. HSI agents attempted to conduct a full preview of the laptop on site, but were unsuccessful. HSI agents spoke with FEITEN, who denied images of child pornography were present on his laptop. FEITEN claimed ownership of the laptop, and denied sharing the laptop with other individuals. Based on the image of erotica, the laptop was detained by HSI agents for a full extended border search, and FEITEN was released to continue his travel to his residence.
7. On February 17, 2015, HSI agents conducted a preview of the laptop. During the preview, HSI agents observed FEITEN'S laptop to contain 178 images of child pornography, including the following:
 - a. An image entitled "lsm-005-069.jpg.jpg," located under the username "gfeiten", depicting two nude white prepubescent females of approximately 10 years of age, bending over away from the camera, with their genitals displayed in a lewd and lascivious manner. The image is centered on the girls' genitalia.

8. On February 18, 2015, HSI agents made a forensic image of FEITEN'S hard drive in facilitation of the extended border search. On March 16, 2015, HSI agents completed the review of this forensic image of FEITEN'S laptop. During the completed review, agents discovered a total of 624 images of child pornography, including the 178 images referenced above, and including the following images:

- a. An image entitled "lsm-005-086.jpg.jpg", located under the username "gfeiten," depicting a white pre-pubescent female of approximately 10 years of age nude from the waist down, lying on her back with legs spread before the camera, with her genitals displayed in a lewd and lascivious manner. The image is focused on the girl's genitals. The hand of a white juvenile holds a clothes iron in contact with the stomach area of the shirt worn by the victim.
- b. An image entitled "lsm-008-097.jpg.jpg" located under the username "gfeiten," depicting a nude white prepubescent female of approximately 10 years of age bent over and looking back over her shoulder towards the camera. A second white juvenile female appears to be using an open hand to strike the posterior of the victim. A red mark is

visible on the victim's posterior, and her expression appears to be one of pain.

9. Based on the foregoing, there is probable cause to believe that GARY MICHAEL FEITEN has committed violations of 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(a)(1), which make it a crime to possess and transport child pornography in interstate or foreign commerce by computer.


Jay V. Ratermann
Special Agent, ICE/HSI

Subscribed and Sworn
Before me this 24 day of March 2015


UNITED STATES MAGISTRATE JUDGE